



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the

REPRESENTATION OF
EMPLOYEES

of

MONTREAL, MAINE AND
ATLANTIC RAILWAY, LTD.

Maintenance of Way Employees

30 NMB No. 60

CASE NO. R-6938

DISMISSAL

July 9, 2003

The services of the National Mediation Board (Board) were invoked by the Brotherhood of Maintenance of Way Employees (BMWE) on April 11, 2003, to investigate and determine who may represent for the purposes of the Railway Labor Act (RLA), as provided by Section 2, Ninth, thereof, personnel described as "Maintenance of Way Employees," employees of Montreal, Maine and Atlantic Railway, Ltd. (Carrier).

At the time this application was received, these employees were not represented by any organization or individual.

The Board assigned Investigator Jennifer Rosenthal to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Maintenance of Way Employees, and by direction of the Board, the Investigator was instructed to conduct an election to determine the employees' representation choice.

The following is the result of the election as reported by Investigator Rosenthal.

Number of Employees Voting:

	<u>BMW</u>	<u>Number of Employees Eligible</u>
Maintenance of Way Employees	26	55

The Board further finds that the Carrier and employees in this case are, respectively, a Carrier and employees within the meaning of the RLA, as amended; that this Board has jurisdiction over the dispute involved herein; and that the interested parties, as well as the Carrier, were given due notice of the Board's investigation.

On the basis of the investigation and report of election which establishes that less than a majority of eligible employees voted in the election, the Board finds no basis for certification and the application is, therefore, dismissed subject to Part 1206.4(b) of the NMB Rules.

By direction of the NATIONAL MEDIATION BOARD.



Benetta M. Mansfield
Chief of Staff